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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,345	02/28/2002	W. Wistar Rhoads	10961133-8	8093

7590 08/28/2003

**HEWLETT-PACKARD COMPANY**  
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EXAMINER

HSIEH, SHIH WEN

ART UNIT PAPER NUMBER

2861

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No. 10/085,345	Applicant(s) RHOADS ET AL.	
	Examiner Shih-wen Hsieh	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 28 February 2002.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 32-50 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 32-50 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recited: "wherein said applicator comprises a resilient wiper" seems related to an embodiment described in fig. 38, in which (304) represents a relatively stiff transfer wiper. The recited: "movement of said print head actuates a pump for applying fluid onto said wiper" seems related to an embodiment described in fig. 36, in which (290) is the pump. Claim 46 to which claim 50 depends on seems related to an embodiment described in fig. 2. If the above statement is correct, then claim 50 is a combination of more than one embodiments, which does not shown in the instant application. Please clarify.

Due to the unclerness of claim 50, there is no art rejection to claim 50 in this office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 32-38 are rejected under 35 U.S.C. 102(a) as being anticipated by Medin et al. (US Pat. No. 6,145,958).

In regard to:

Claim 32:

Medin et al. teach in their figs 1-4:

An inkjet print head cartridge (50, 52, 54, or 56) comprising a container of ink (refer to col. 5, lines 18-23), an area having orifices through which ink is ejected from said container during printing, a reservoir of print head servicing fluid (refer to col. 7, lines 47-48) matched for use with said ink and an applicator (108) for applying a reproducible quantity of said servicing fluid (105, fig. 5) onto a print head wiper (90, fig. 4) which wipes said orifices during relative movement of said print head and wiper.

Please note: Medin et al.'s invention is recycling of ink solvent, in which the word "recycling" is equivalent to reproducible.

Claim 33:

Medin et al. further teach:

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wherein said servicing fluid is impregnated in a porous material (102, figs. 3 and 4) filling said reservoir (reservoir is not shown in figs. 2-4, however, a reservoir for containing fluid is inherent, a container such as 140 in fig. 5 can be seen as the container used in figs. 3 and 4).

Claim 34:

Medin et al. further teach:

wherein said applicator comprises a wick (108) in fluid communication with said porous material (102), said wick having a fluid dispensing surface positioned for applying said fluid to a wiper (90) which subsequently wipes said orifices, refer to fig. 2, the rotation direction 83 indicates the wiping action and also in fig. 4, where the dashed wiper (90) in contact with the applicator (158) for receiving the liquid ink solvent from the applicator (108).

Claim 35:

Medin et al. further teach:

wherein said wick has substantially greater capillary attraction force than said porous material, refer to col. 8, line 3+.

Claim 36:

Medin et al. further teach:

wherein said porous material is an open cell rigid foam block, refer to col. 7, lines 37-41.

Claim 37:

Medin et al. further teach:

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wherein said cartridge is refillable, refer to col. 5, lines 18-30.

Claim 38:

Medin et al. further teach:

wherein said cartridge is disposable, refer to col. 5, lines 18-24. Please note:

the disposable cartridge is the replaceable ink cartridge.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 46-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads et al. (US pat. No. 5,905,514).

In regard to:

Claim 46:

Rhoads et al. teach in their figs. 2-6:

A method of servicing an inkjet print head comprising applying a reproducible quantity of servicing fluid (74) to said print head (30) by causing mutual movement of said print head and a resilient fluid applicator (80) and wiping said print head to remove said fluid from said print head, refer to col. 26, line 46 to col. 27, line 7. For the reproducible of the fluid, please refer to col. 8, line 16+, for applicator, please col. 9, line 61+.

Claim 47:

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Rhodes et al. further teach:

moving said print head to engage said applicator, refer to the rejection to claim 46 discussed above or please refer to col. 28, lines 11-17, or from fig. 2, the reciprocating movement of a carriage mounted with print heads indicated by the double head arrow and the an upward movement of sled 52 brings engagement of the head against the applicator.

Claim 48:

Rhodes et al. further teach:

engaging a flexible applicator (80) by contact with said print head to release said fluid onto said print head, refer to the rejection to claim 46 discussed above.

Claim 49:

Rhodes et al. further teach:

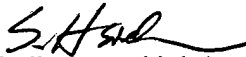
a flexible applicator (80) by contact with said print head to cause said applicator to apply said fluid onto a wiper (70) and moving said print head with respect to said wiper to wipe said print head, refer to fig. 2 and its related description in col. 8, line 16+.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 703-305-4961. The examiner can normally be reached on 7:30AM -5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Fuller can be reached on 703-308-0079. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Shih-wen Hsieh  
Primary Examiner  
Art Unit 2861

SWH

  
Aug 20, 2003